

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. _____

Louis Fernandes, *
 Plaintiff *

vs. *

Astra Business Services, Inc. *
 Defendant *

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and/or statutory damages brought by Plaintiff, Louis Fernandes, an individual consumer, against Astra Business Services, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. Section 1692k (d) and 28 U.S.C. Section 1337. Declaratory relief is available pursuant to 28 U.S.C. Sections 2201 and 2002. Venue in this District is proper in that the Defendant transacted business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff, Louis Fernandes, is a resident of 36 Oaklawn Street, New Bedford, Massachusetts 02740.
4. Defendant, Astra Business Services, Inc., is engaged in the business of collecting debt in this state with its principal place of business located at 135 Townsend Street, Suite 650, San Francisco, California 94107. A principal purpose of Defendant is the collection of debts and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumer using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. Section 1692a (6).

IV. FACTUAL ALLEGATIONS

6. On or about April 24, 2006, Astra Business Services, Inc. mailed two letters to Mr. Fernandes. Copies of both letters are enclosed as Exhibits A and B. In one letter Astra Business Services, Inc. represented Chase Manhattan Bank in the collection of account number 5431 4301 1358 5936 with a principal balance of \$8,061.02 and interest of \$3,402.53 for a total of \$11,463.35. The second letter indicated representation by Astra Business Services, Inc. of Household Bank in the collection of account number 5406 3300 0107 2990. The second letter indicated the exact same principal, interest and balance due figures as the Chase account.
7. The Plaintiff had accounts with Both Chase and Household. However, he believes the balance owed to Household to be approximately \$2,000.00 to \$2,500.00. The conduct of Astra Business Service in seeking to collect the amount of \$11,463.55 instead of a significantly lower amount due is a violation of 15 USC Section 1692 (e) (2) (A) in that the letter of April 24, 2006 falsely represented the amount owed to Household. Further, the sending of two letters on the same date as described above was a deceptive or misleading means of collection.

V. CLAIM FOR RELIEF

8. Plaintiff repeats and realleges and incorporates by reference paragraphs 1 through 7.
9. The Defendant violated the FDCPA. Defendant’s violations include, but are not limited to, the following:
 - a. Attempting to collect an amount not due. See 11 USC Section 1692 (e) (2) (A).
10. As a result of the foregoing violations of the FDCPA, the Defendant is liable to the Plaintiff, Louis Fernandes, for declaratory judgment that Defendant’s conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney’s fees.

Wherefore, Plaintiff, Louis Fernandes, respectfully requests that judgment be entered

against the Defendant, Astra Business Services, Inc., for the following:

1. Declaratory judgment that Defendant's conduct violated the FDCPA;
2. Actual damages;
3. Statutory damages pursuant to U.S.C. Section 1692k;
4. Costs and reasonable attorney's fees pursuant to 15 U.S.C. Section 1692k; and
5. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, Louis Fernandes, demands trial by jury in this action.

Louis Fernandes
By his Attorney,

Dated: April 23, 2007

/s/ Roger Stanford _____
Roger Stanford, Esq.
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